



April 19, 2019

The Honorable Roy Takumi
Chair, House Consumer Protection and Commerce Committee
Hawaii House of Representatives
Hawaii State Capitol
Room 320
Honolulu, HI 96813

The Honorable Chris Lee
Chair, House Judiciary Committee
Hawaii House of Representatives
Hawaii State Capitol
Room 302
Honolulu, HI 96813

Dear Chairs Takumi and Lee:

On behalf of CTIA, the trade association for the wireless communications industry, I write to raise concerns with HB702 HD1 SD2. This legislation raises particular concerns not only because it adds to the further fragmentation of consumer privacy laws but also because it is technology-specific. By focusing on "location data that is recorded or collected by a satellite navigation technology-equipped device," the bill would regulate devices containing a specific component. As a result, HB702 HD1 SD2 could distort competition, create consumer confusion, and harm innovation. It also would go into effect on July 1, 2019, which is a very short period of time.

Consumer privacy protections should apply consistently across all industry sectors, and protections should be consistent for any given type of information. HB 702 HD1 SD2 applies to a specific type of information – location data – that is collected on devices containing one specific component, namely, satellite navigation technology, i.e., GPS. The bill does not define "location data" and does not define "sale," which could lead to a host of unintended consequences. Without a definition of "location data," it is unclear what type of information would require consumer consent. Accordingly, consumer privacy protections could depend on the method that was used to collect a specific piece of location data – something that consumers are unlikely to understand or expect.



In addition, because the opt-in requirement is limited to selling or offering to sell – both undefined – certain location data – also undefined – HB702 HD1 SD2 could favor certain business models. For instance, operating system platforms could collect large amounts of location data and sell ads based on this data without triggering the opt-in requirement.

Moreover, HB702 HD1 SD2 would require companies to obtain consent from the “primary user” of a device in order to sell or offer for sale location data. This requirement is likely to be very difficult to meet in practice. In many situations, location data is likely to be collected through an application, the operator of which might not have access to or any way to determine who is the primary user of a particular device. As drafted, the bill would also go into effect less than three months from now. Such a brief transition period is unreasonable given the significant changes to operations that businesses would have to undertake.

For these reasons, we would respectfully request that you hold the bill so that the wireless industry could work with you to address these particular issues.

Sincerely,

Gerard Keegan
Vice President
State Legislative Affairs

cc: The Honorable Scott Saiki, Speaker of the House
The Honorable Mark Nakashima, Vice-Speaker of the House
The Honorable Della Belatti, Majority Leader
The Honorable Dee Morikawa, Majority Floor Leader